

VZCZCXRO3882  
RR RUEHROV RUEHTRO  
DE RUEHKH #0075/01 0211115  
ZNR UUUUU ZZH  
R 211115Z JAN 10  
FM AMEMBASSY KHARTOUM  
TO RUEHC/SECSTATE WASHDC 0047  
INFO IGAD COLLECTIVE  
UN SECURITY COUNCIL COLLECTIVE  
RHMFISS/CJTTF HOA

UNCLAS SECTION 01 OF 04 KHARTOUM 000075

SENSITIVE  
SIPDIS  
NSC FOR MGA VIN, LETIM  
DEPT PLS PASS USAID FOR AFR/SUDAN  
ADDIS ABABA ALSO FOR USAU

E.O. 12958: N/A  
TAGS: [PGOV](#) [PREL](#) [PHUM](#) [KDEM](#) [KPKO](#) [MOPS](#) [ECON](#) [EFIN](#) [SU](#)  
SUBJECT: SUDAN'S COMPREHENSIVE PEACE AGREEMENT AT FIVE YEARS

REF: A) 09 KHARTOUM 1455; B) 09 KHARTOUM 1476; C) 09 KHARTOUM 1445  
D) 09 KHARTOUM 1475; E) 09 KHARTOUM 1447; F) 09 KHARTOUM 1392  
G) 09 KHARTOUM 1263; H) 09 KHARTOUM 1195; I) 09 KHARTOUM 1172

¶1. (SBU) SUMMARY: Five years after the signing of the Comprehensive Peace Agreement (CPA) by the National Congress Party (NCP) and the Sudanese People's Liberation Movement (SPLM) the CPA stands at a critical juncture as Sudan moves into its first election since ¶1986. The peace agreement has held together thus far but it is far from fully implemented and many challenges face the signatory parties. Recently concluded voter registration set the stage for a potentially credible election, though the parties must resolve a disagreement regarding the accuracy of the 2008 census figures. Democratic transformation is at a standstill due, at least in part, to a lack of NCP political will to implement reforms. The NCP and SPLM have passed major CPA milestones by passing the Southern Sudan Referendum Law, Abyei Referendum Law, and Blue Nile and Southern Kordofan Popular Consultation Law. However, the implementation of these laws is threatened by a compressed timeframe for establishment of the various commissions and referendum procedures in advance of the January 2011 referenda, and the earlier, but as of yet unscheduled popular consultations process. The security situation remains tenuous, especially in Abyei, where tensions are rising due to the current migration season. In many regions of Southern Sudan continuing violence raises renewed concern over the security situation of the upcoming elections. The parties have begun to address a wide variety of post-referendum issues before the referenda. If the CPA is to succeed in its final year, the parties need to move quickly to implement remaining provisions. END SUMMARY

-----  
STAGE SET FOR CREDIBLE ELECTIONS  
-----

¶2. (SBU) Nationwide elections are scheduled for April 11-13, 2010. Voter registration concluded on December 7, 2009 with impressive turnout (Ref A). There have been accusations of fraud and poor voter education, and donors are concerned by the National Election Commission's (NEC) refusal to permit an international audit of the voter rolls (Ref B). Despite these problems, international observers and election advisors noted that registration went better than expected. The next phase, candidate nomination, is on schedule for January 12 to January 22, 2010, and the campaign period will follow from the beginning of February through polling in April. The NEC still has many, most importantly logistical, hurdles to clear before the April polling. The NCP and SPLM have yet to resolve differences over the disputed census. Both parties insist that resolving their issues is their top priority. A special session of the National Assembly will have to be convened to amend the electoral law in accordance with a final negotiated solution.

-----  
DEMOCRATIC TRANSFORMATION LAWS UNLIKELY

-----  
¶3. (SBU) As mandated by the CPA, existing laws must be amended to create an enabling atmosphere for free and fair elections. In December, by NCP majority, the National Assembly passed the National Security Law without SPLM support. The law retained the powers of arrest, detention, search and seizure for the National Intelligence and Security Service (NISS) despite objection of the SPLM and opposition parties (Ref C). The Criminal Code, Criminal Procedures Act, State Public Order Laws and Immunities Law were also scheduled to be considered; however, the NCP and SPLM are in disagreement over these laws. It seems unlikely such legislation will be considered in advance of the election, since the National Assembly has already adjourned (Ref D). At the SPLM-hosted Juba Conference in September, opposition parties again demanded the passage of specific legislation in advance of the election, raising the specter of possible boycott. The SPLM has stated that it is committed to participating.

-----  
SOUTHERN SUDAN REFERENDUM PLANNING BEHIND SCHEDULE  
-----

KHARTOUM 00000075 002 OF 004

¶4. (SBU) On December 29, the National Assembly approved the Southern Sudan Referendum Law with NCP and SPLM support (Ref E). The parties must next nominate commission members to be approved by a joint session of the National Assembly and Council of States. According to Ray Kennedy, Chief United Nations Mission in Sudan (UNMIS) Electoral Affairs Officer, planning for the referendum is already months behind schedule. Voter registration is scheduled during the rainy season and donors will be hard pressed to fulfill referendum commission requests at the last minute without waving normal staffing, budget and procurement procedures. The international community has urged the parties to name the Referendum Commission so that referendum planning can begin.

-----  
POST-REFERENDUM DISCUSSIONS TO BEGIN SOON  
-----

¶5. (SBU) The NCP and SPLM are both focusing on a mechanism to promote discussion (and hopefully resolve) post-referendum issues (Ref F). The priority issues on the agenda include citizenship and wealth sharing. During meetings with U.S. Special Envoy, Scott Gration, both the NCP and SPLM have expressed possible interest in a U.S. role in the negotiation process. The AEC, Inter Governmental Authority on Development (IGAD) and AU High Level Commission chaired by Thabo Mbeki have also expressed interest in facilitating discussions. The Southern Sudan Referendum Law specifies that all post-referendum issues must be agreed before the end of the CPA interim period, which comes six months after the referendum, but the NCP fears the SPLM will stall on some of the issues (ref D).

-----  
NORTH-SOUTH BORDER DEMARCATION DELAYS CONTINUE  
-----

¶6. (SBU) The Ad-Hoc Technical Border Committee report to the Presidency, scheduled for the end of September, 2009, is now four months delayed. According to the Deputy Chairman of the Commission, the Commission has demarcated 80 percent of the border. The remaining 20 percent, approximately 200-300 kilometers, is contested and will require resolution by the Presidency. Once the presidency has resolved the contested areas of the border, technical teams will deploy to the field to complete demarcation. According to experts, resolving the disputed areas should be relatively easy, except in those areas where natural resources are at stake, especially in petroleum rich Southern Kordofan.

-----  
ABYEI TENSIONS REMAIN HIGH  
-----

¶7. (SBU) The National Assembly passed the Abyei Referendum Law on

December 30, (Ref D) an important step forward even though the text left unresolved the most controversial issue, deciding who is a resident of Abyei and thus qualified to vote. This issue will prove a major challenge for the Abyei Referendum Commission, since the definition of a resident will decide the outcome of the referendum and determine whether this area belongs with the North or the South. The Abyei Referendum Commission must also agree to and arrange administrative, logistical and funding mechanisms for the referendum, making the quick formation and launch of the Commission a priority. Abyei border demarcation is still stalled due to threats by the Misseriya, the presence of militia, and a Joint Integrated Unit (JIU) confrontation with the SAF (Ref G). Abyei persists as a likely point of confrontation for the parties and an area for conflict.

-----  
POPULAR CONSULTATIONS LAW APPROVED  
-----

¶8. (SBU) The Blue Nile and Southern Kordofan Popular Consultation Law was passed on December 30. Pursuant to the law, the elected state legislatures of Southern Kordofan and Blue Nile states will seek to determine whether the CPA meets the aspirations of the people of their states. It is unclear when the commissions, mandated in the law, will begin to carry out their work. Education campaigns need to take place prior to the elections in April so that voters will understand how the election of members of the state assembly will relate to the subsequent process of popular consultation, which will be conducted by these elected legislators. The quick formation and launch of these two commissions is a

KHARTOUM 00000075 003 OF 004

priority.

-----  
VIOLENCE IN SOUTHERN SUDAN ESCALATING  
-----

¶9. (SBU) The security situation in Southern Sudan remains tenuous. In the first two weeks of 2010, there have been at least four major attacks in Southern Sudan, with one in Warrab State resulting in 140 dead and 90 wounded. The causes behind this and many other clashes remain unclear and the perpetrators unknown. UN experts report that clashes in Jonglei, Upper Nile and other states between tribal groups continue. There have been ten Murle attacks on Dinka and Nuer in the first two weeks of 2010. UN experts claim the attacks are probing to find weaknesses among neighboring tribes before larger attacks are launched, as was done in 2009. With elections approaching, many fear that politically motivated attacks will increase although the senior UN official in Juba, one of the most experienced observers on the ground, believes that the purpose for widespread election violence is something of a red herring created from outside Sudan.

-----  
SECURITY ARRANGEMENTS REMAIN PARTIALLY IMPLEMENTED  
-----

¶10. (SBU) Disarmament, demobilization and reintegration (DDR) of former combatants pursuant to the CPA faces operational funding shortfalls from the GoNU and GoSS. The UN has temporarily suspended acceptance of new registrants to the DDR program because agreed criteria have not been respected and destruction of weapons cannot be verified. The JIU's are still not integrated and typically do not train together or live in the same camp. The risk of violence between the Sudan Armed Forces (SAF) and Sudan People's Liberation Army (SPLA) components of the JIUs continues in particularly in Malakal. In addition, the JIUs remain under-equipped, untrained and are often perceived by local people as little more than thugs with guns rather than the nucleus of a new Sudanese army as contemplated by the CPA. SAF forces are fully redeployed north of the January 1, 1956, but while SPLA forces are largely not redeployed South.

-----  
WEALTH SHARING PROGRESSES SLOWLY  
-----

-----  
¶11. (SBU) During an Assessment and Evaluation Commission (AEC) Wealth Sharing Working Group meeting in October, 2009 the NCP and SPLM agreed to an independent consultation with the National Petroleum Commission (NPC) on the oil sector. The details of the international audit are under discussion including in the National Petroleum Commission which will provide final concurrence. In addition, the parties agreed that the International Monetary Fund (IMF) will conduct an analysis of the dual banking system to help resolve foreign exchange management issues. The IMF team arrived in Sudan in January, 2010 and has begun its work (Ref H).

-----  
CHALLENGES AHEAD  
-----

¶12. (SBU) COMMENT: The NCP and SPLM have much more to do to fully implement the CPA. Below is our list of critical issues that loom ahead.

- Rapid establishment of the Southern Sudan Referendum Commission and Abyei Referendum Commission.
- Prompt resolution of the use of the 2008 census before the April 2010 elections.
- Demarcation of contested borders, including those in Abyei established by the PCA decision.
- The establishment of Popular Consultation Commissions in Blue Nile and Southern Kordofan.
- Consideration of additional legislation for democratic transformation in advance of April, 2010 elections.
- Approval of terms of reference for the oil sector audit and identification of a neutral commercial firm to undertake the audit.

KHARTOUM 00000075 004 OF 004

-- Last but not least, organizing post-referendum discussions. This lies outside the CPA but is crucial if the CPA is to successfully run its course.  
WHITEHEAD